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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,499	02/27/2002	Raymond Andrew Saksa	PU010044	8703

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EXAMINER

BRINEY III, WALTER F

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 03/18/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,499

Applicant(s)

SAKSA ET AL.

Examiner

Walter F Briney III

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4.5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaczmarek (US Patent 4,907,120).

Claim 1 is limited to a **telecommunication apparatus**. Kaczmarek discloses a **multi-stage surge protector and isolation barrier connectable to a telephone network** (figure 1). Kaczmarek discloses using the device to protect communications (i.e. **telephony devices** (abstract)). Therefore, Kaczmarek anticipates all limitations of the claim.

Claim 2 is limited to **the telecommunication apparatus of claim 1**, as covered by Kaczmarek. Kaczmarek discloses a **first stage** (figure 1, element 20) **operative to limit an output voltage to a predefined level; and a second stage operative to dissipate a transient from said first stage** (figure 1, elements D). Therefore, Kaczmarek anticipates all limitations of the claim.

Claim 15 is rejected for the same reasons as in claim 2.

Claim 3 is limited to **the telecommunications apparatus of claim 2**, as covered by Kaczmarek. Kaczmarek discloses **spark gap circuitry connectable to the**

communications (i.e. **telephone**) **network** (figure 1) (abstract). Therefore, Kaczmarek anticipates all limitations of the claim.

Claim 16 is rejected for the same reasons as in claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaczmarek in view of Atkins (US Patent 5,416,663).

Claim 4 is limited to **the telecommunications apparatus of claim 3**, as covered by Kaczmarek. Kaczmarek discloses a **primary spark gap** (figure 2, element 20) (column 7, lines 16-17) **coupled between a tip line and a ring line of the telephone network** (figure 1, elements T, R). Kaczmarek discloses a first a **first secondary diode coupled to the tip line and ground** (figure 1, element D between 16 and 19); and a **second secondary diode coupled to the ring line and ground** (figure 1, element D between 17 and 19). Therefore, Kaczmarek anticipates all limitations of the claim with the exception of **first and secondary spark gaps**. Atkins teaches using spark gaps in place of solid state triacs/diodes (figure 1, elements 3) to clamp voltages above a certain threshold. It would have been obvious to one of ordinary skill in the art at the time of the invention to use spark gaps as taught by Atkins in place of solid state diodes

as used by Kaczmarek because spark gap devices are cheaper and easier to manufacture than solid state devices.

Claim 5 is limited to **the telecommunications apparatus of claim 4**, as covered by Kaczmarek in view of Atkins. Kaczmarek discloses **a first current limiting resistor coupled in series with the tip line and one side of said primary spark gap** (figure 1, element R between 13 and 16); **and a second current limiting resistor coupled in series with the ring line and another side of said primary spark gap** (figure 1, element R between 12 and 17). Therefore, Kaczmarek in view of Atkins makes obvious all limitations of the claim.

Claim 17 is rejected for the same reasons as in claim 4.

Claim 6-10, 13, 14, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaczmarek in view of Kitchens (US Patent 4,845,580).

Claim 6 is limited to **the telecommunications apparatus of claim 2**, as covered by Kaczmarek. Kaczmarek discloses clamping and cutting off voltages between a communications line and a communications device, however, does not disclose any type of output filtering. Therefore, Kaczmarek anticipates all limitations of the claim with the exception **wherein said second stage comprises LC circuitry in communication with said telephony device**. Kitchens teaches a LC-type bandpass filter (figure 1, elements L6, C7, L9, C8) connected to the output of a voltage limiting/clamping circuit that prevents high-frequency voltage spikes such as lightning strikes from damaging the communications device connected to the remaining protection circuitry (column 1, lines 34-50). It would have been obvious to one of ordinary skill in the art to use the LC

based BPF circuitry as taught by Kitchens for the purpose of preventing damage to communication equipment caused by high-frequency lightning strikes.

Claim 7 is limited to **the telecommunications apparatus of claim 6**, as covered by Kaczmarek in view of Kitchens. Kitchens teaches **a first LC filter connected to one output of said first stage corresponding to a tip line of the telephone network** (figure 1, elements L6 and C7); **and a second LC filter connected to another output of said first stage corresponding to a ring line of the telephone network** (figure 1, elements L9 and C8). Therefore, Kaczmarek in view of Kitchens makes obvious all limitations of the claim.

Claim 8 is limited to **the telecommunications apparatus of claim 7**, as covered by Kaczmarek in view of Kitchens. Kitchens teaches **a first inductor** (figure 1, element L6) **in series with the one output of said first stage corresponding to the tip line and a first LC filter output** (figure 1, element AC LEG1); **and a first capacitor** (figure 1, element C7) **coupled between the first LC filter output and ground; a second inductor** (figure 1, element L9) **in series with the other output of said first stage corresponding to the ring line and a second LC filter output** (figure 1, element AC LEG 2); **and a second capacitor** (figure 1, element C8) **coupled between the other output of said second LC filter output and ground**. Therefore, Kaczmarek in view of Kitchens makes obvious all limitations of the claim.

Claim 9 is limited to **a surge protector/isolation barrier for a telephony device**. Kaczmarek discloses **a first stage circuitry** (figure 1, element 20) **connectable to a telephone network and operative to clamp an incoming voltage**

to a pre-determined level. Therefore, Kaczmarek anticipates all limitations of the claim with the exception of a **second stage circuitry in communication with said first stage circuitry and operative to filter a transient produced by said first stage circuitry.** Kitchens teaches a LC-type bandpass filter (figure 1, elements L6, C7, L9, C8) connected to the output of a voltage limiting/clamping circuit that prevents high-frequency voltage spikes such as lightning strikes from damaging the communications device connected to the remaining protection circuitry (column 1, lines 34-50). It would have been obvious to one of ordinary skill in the art to use the LC based BPF circuitry as taught by Kitchens for the purpose of preventing damage to communication equipment caused by high-frequency lightning strikes.

Claim 10 is limited to **the surge protector/isolation barrier of claim 9**, as covered by Kaczmarek in view of Kitchens. Kaczmarek discloses **spark gap circuitry** (figure 1) (abstract). Therefore, Kaczmarek in view of Kitchens anticipates all limitations of the claim with the exception wherein **said second stage circuitry comprises LC circuitry.** Kitchens teaches a LC-type bandpass filter (figure 1, elements L6, C7, L9, C8) connected to the output of a voltage limiting/clamping circuit that prevents high-frequency voltage spikes such as lightning strikes from damaging the communications device connected to the remaining protection circuitry (column 1, lines 34-50). Therefore, Kaczmarek in view of Kitchens makes obvious all limitations of the claim.

Claims 13 and 14 are rejected for the same reasons as in claims 7, and 8, respectively.

Claims 18-20 are rejected for the same reasons as in claims 6-8, respectively.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaczmarek in view of Kitchens and further in view of Atkins.

Claim 11 is limited to **the surge protector/isolation barrier of claim 10**, as covered by Kaczmarek in view of Kitchens. Kaczmarek discloses a first **a first secondary diode coupled to the tip line and ground** (figure 1, element D between 16 and 19); **and a second secondary diode coupled to the ring line and ground** (figure 1, element D between 17 and 19). Therefore, Kaczmarek anticipates all limitations of the claim with the exception of **first and secondary spark gaps**. Atkins teaches using spark gaps in place of solid state triacs/diodes (figure 1, elements 3) to clamp voltages above a certain threshold. It would have been obvious to one of ordinary skill in the art at the time of the invention to use spark gaps as taught by Atkins in place of solid state diodes as used by Kaczmarek because spark gap devices are cheaper and easier to manufacture than solid state devices.

Claim 12 is limited to **the surge protector/isolation barrier of claim 11**, as covered by Kaczmarek in view of Kitchens and further in view of Atkins. Kaczmarek discloses a **first current limiting resistor coupled in series with the tip line and one side of said primary spark gap** (figure 1, element R between 13 and 16); **and a second current limiting resistor coupled in series with the ring line and another side of said primary spark gap** (figure 1, element R between 12 and 17). Therefore, Kaczmarek in view of Kitchens and further in view of Atkins makes obvious all limitations of the claim.

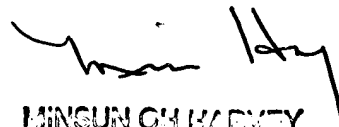
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB
3/9/04


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PRIMARY EXAMINER